

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 14-1305

Inline Plastics Corp.

v.

Easypak, LLC

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Inline Plastics Corp.

Party is (select one) ☒ Appellant/Petitioner ☐ Cross-Appellant
☐ Appellee/Respondent ☐ Intervenor

Tribunal appealed from and Case No. U.S.D.C. Massachusetts, 11-cv-11470-TSH

Date of Judgment/Order February 4, 2014 Type of Case Patent Infringement

Relief sought on appeal Vacate Claim Construction Order and Judgment of Noninfringement.

Relief awarded below (if damages, specify) _____

Briefly describe the judgment/order appealed from _____
The district court's Claim Construction Order (ECF 47) construed the claim terms "frangible section/ frangible section which upon severing" and "tamper evident bridge" in U.S. Patent No. 7,118,003 (the "003 patent") to require "a removable tear strip, delimited by at least two severable score lines." As these constructions were dispositive on the issue of infringement of the asserted claims of the '003 patent, the district court entered judgment of noninfringement (ECF 86).

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FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) _____
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____
None.

Brief statement of the issues to be raised on appeal _____
Whether the district court erred by construing the claim terms "frangible section/frangible section which upon severing" and "tamper evident bridge" in the '003 patent to require "a removable tear strip, delimited by at least two severable score lines."

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☒ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom? _____

The Honorable Marianne B. Bowler, U.S.M.J.

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not _____
 Despite a mediation held before the Honorable Marianne B. Bowler, U.S.M.J. and a 45-day stand down of the litigation for the parties to pursue settlement, given the parties disagreement regarding the district court's construction of the claim terms "frangible section/frangible section which upon severing" and "tamper evident bridge" in the '003 patent to require "a removable tear strip, delimited by at least two severable score lines," resolution of that dispute by this Court is likely necessary +

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 10th day of March, 2014

by: ECF
 (manner of service)

<u>Adam P. Samansky</u>	<u>/s/ Adam P. Samansky</u>
Name of Counsel	Signature of Counsel

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**United States Court of Appeals
for the Federal Circuit**

CERTIFICATE OF SERVICE

Inline Plastic Corp., v. Easypak, LLC, et al., No. 2014-1305

I, Robyn Cocho, being duly sworn according to law and being over the age of 18, upon my oath depose and say that:

Counsel Press was retained by EDWARDS WILDMAN PALMER LLP Attorneys for Plaintiff-Appellant to print this document. I am an employee of Counsel Press.

On **March 10, 2014**, Counsel for Appellant has authorized me to electronically file the foregoing **Docketing Statement** with the Clerk of Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Craig M. Scott, Esquire
Duffy, Sweeney & Scott, Ltd.
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Providence, RI 02903

Attorneys for Defendants-Appellees

A courtesy copy has also been mailed to the above counsel.

/s/ Robyn Cocho
Counsel Press